

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JULIO N. GONZALEZ, )  
Petitioner, )  
vs. ) Case No. CIV-13-0997-F  
HECTOR RIOS, Warden, )  
Respondent. )

## **ORDER**

Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner appears *pro se* and his pleadings are liberally construed.

The Report and Recommendation by Magistrate Judge Shon T. Erwin, doc. no. 8 (the Report), finds that petitioner has sufficient resources to pay the \$5.00 filing fee. The Report recommends that petitioner's motion for *informa pauperis* status therefore be denied, and that petitioner be required to pay the \$5.00 filing fee in order for this action to proceed.

Petitioner has not objected to the Report, nor has he requested additional time to object. Petitioner has, however, filed a letter, which is construed as a motion seeking additional time within which to pay the filing fee. Doc. no. 9. The motion for additional time is **GRANTED**, as follows. The Report will be adopted but in modified form, to provide petitioner with a total of six weeks after the date of this order (instead of twenty days, as recommended in the Report) within which to pay the fee.

Accordingly, with no objection having been made, the modified Report of the magistrate judge is **ADOPTED, ACCEPTED and APPROVED**. Petitioner's motion

for leave to proceed *in forma pauperis* is **DENIED**, and petitioner is **DIRECTED** to pay the \$5.00 filing fee within six weeks of the date of this order. Failure to comply will result in dismissal of this action, without prejudice. Petitioner may require an extra copy of the Report and this order, to present to officials responsible for remitting the filing fee. The clerk is **DIRECTED** to send petitioner an extra copy of these documents.

Dated this 14<sup>th</sup> day of November, 2013.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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